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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/027,585 02/23/98 DAHL

U 0104-0221P

002292 TM02/1001
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EXAMINER

COSIMANO, F

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

10/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No.

09/027,585

Examiner

Edward R. Cosimano

Applicant(s)

DAHL, ULF

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for a CPA filed October 31, 2000.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☐ The drawings filed on _____ are acceptable as formal drawings.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

6. ☒ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review(PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☒ including changes required by the proposed drawing correction filed 23 February 2000, which has been approved by the examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.

2. It is noted that on March 07, 2001, applicant filed a copy of a PCT/IPEA/402 entitled NOTIFICATION OF RECEIPT OF DEMAND that indicates that a demand was filed in international application PCT/SE97/01089 with in 19 months of the earliest priority date. Since it now appears that international application PCT/SE97/01089 did in fact enter chapter II processing, continuity does exists and the objection to the declaration as being defective for this purpose is withdrawn.

2.1 However, as can be seen in sections 4 & 4.1 of the examiner's comments attached to the Notice of Allowance mailed January 10, 2001 and reproduced below, the objection to the declaration contained 2 (two) separate parts. In section 4.1(A) the declaration was properly objected to as lacking proper margins as required by 37 CFR § 1.52(b). Whereas in section 4.1(B) the declaration was objected to for improperly claiming the benefit of an early filing date based on application number 9602475-7 filed in Sweden on 20 June 1996, and international application PCT/SE97/01089 filed on 18 June 1997.

2.2 In view of the papers filed March 07, 2001, the reason for the second objection in section 4.1(b) is withdrawn.

2.3 However, applicant has failed to address the reason given in section 4.1(A) within the 3 (THREE) month period of response set in section 6 of the PTO-37 mailed January 10, 2001, (see the attached copy).

“4. The oath or declaration is defective. A new oath or declaration in compliance with 37 C.F.R. § 1.67(a) identifying this application by its Serial Number and filing date is required. See M.P.E.P. §§ 602.01 and 602.02.

4.1 The oath or declaration is defective because:

A) the declaration filed 19 May 1998, lacks the margins required by 37 CFR § 1.52(b).

B) in view of section 3, above, applicant must remove both:

(1) the claim for priority based on application number 9602475-7 filed in Sweden on 20 June 1996; and

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(2) the claim for benefit of an earlier filing data under 35 U.S.C. § 120 based on international application PCT/SE97/01089 filed on 18 June 1997.”

3. Since applicant failed to timely submit a new declaration as required by section 6 of the PTO-37 mailed January 10, 2001 that corrected at least the defect set forth in section 4.1(A) of the examiner's comments attached to the Notice of Allowance mailed January 10, 2001, the instant application is ABANDONED.


4. It is further noted that applicant has failed to file the new drawings as required in the PTO-37 mailed January 10, 2001.

5. As per the request to correct the title. It is noted that applicant amended the title in the amendment filed September 11, 2000, however, it appears that the Patent Office failed to correct the PALM system to reflect that change. The PALM system has been corrected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)-305-9768. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

6.1 The fax phone number for UNOFFICIAL FAXES or for OFFICIAL FAXES for this group is either (703) 308-6165 or (703) 308-6296 or (703) 308-6306 or (703) 308-6606 or (703) 308-9051 or (703) 308-9052.

07/28/01


Edward R. Cosimano
Primary Examiner A.U. 2161